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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,183	06/03/2002	Helmut Koster	845A 3212 PCT	1352

7590 05/08/2003

Koda & Androlia  
2029 Century Park East Suite 3850  
Los Angeles, CA 90067-3024

EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/019,183

Applicant(s)

KOSTER, HELMUT

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3634

### ***Drawings***

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because it relies to reference numerals to describe of the invention rather than as a guide to better understand the invention. For example, "irradiation cross section (44)" suggests that "(44)" is required to indicate the irradiation cross section. Reference numerals may only be used to accompany terminology that describes the corresponding detail. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

On page 5, ray bundle 19 is said to be retro-reflected on the upper side of blind 24. This is not depicted in Fig. 2.

On page 6, light bundle 50 is said to reflect from the upper side of blind 51. This is not shown in Fig.4.

Appropriate correction is required.

***Claim Objections***

Claim 24 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to the claims in the alternative. See MPEP § 608.01(n). Accordingly, the claim 24 has not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

Claims 1-23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims have numerous problems. Initially, it is noted that several of the reference numerals appearing in the claim<sup>s</sup> are not consistent with the use of the same numeral in the specification. For example, in claim 1, 54 and 104, in lines 2 and 4.

Throughout the claims, reference numerals are used to describe of the invention rather than as a guide to better understand the invention. For example, in claim 1, "irradiation cross section (44)" suggests that "(44)" is required to indicate the irradiation cross section. Reference numerals may only be used to accompany terminology that describes the corresponding detail and not in lieu of the terms used to depict such details;

Also in claim 1: some terminology is inconsistent, such as "prism-molded toothed upper sides", "prismatic molding", "prismatic molded teeth"; the "level" of the inner and outer blind edges appears to be indefinite since it is disclosed that a plane containing or parallel to these edges provides the base for the angles referenced; in line 23, it

appears that alternative structure is recited involving the specific tooth shapes as they appear along the curve 47; the use of "cross section" is not proper to depict the areas between respective lateral edges of superimposed blinds, i.e. "incidence" and "deflection"; it appears that paragraphs c and d actually recite sunlight and it's interaction with the structure recited. If this is an attempt to provide a function of the blinds by way of reciting how the sunlight is manipulated thereby, such should be clearly set forth.

The preamble of claims 2-9, i.e. "Installation", is inconsistent with the preamble of independent claim 1, "Light guiding blinds".

Claim 4 recites several different possibilities for the tooth angles and shapes, which is improper in a single claim.

The reference to Fig. 7 in claim 6 is improper. Also, "retro-reflective part" and "retro-reflector" (see claim 7 also) is inconsistent. It is not clear if the teeth recited here are the same teeth recited in claim 1.

The preamble of claim 10 is ambiguous since "light guiding prismatic surfaces" are not the subject of claim 1, as recited, but rather "light guiding blinds" are recited in claim 1. Claims 10 and 21 each also recites several different mutually exclusive processes.

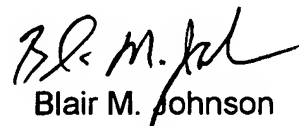
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

  
Blair M. Johnson

Primary Examiner  
Art Unit 3634

BMJ  
April 21, 2003